



U.S. Department of Justice

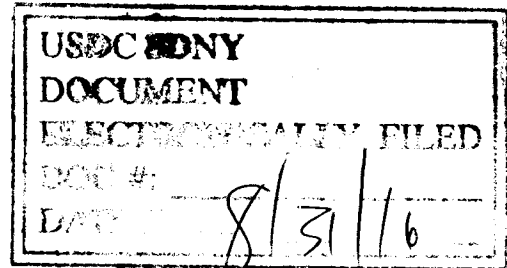
United States Attorney  
Southern District of New York

86 Chambers Street  
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August 29, 2016

BY EMAIL

Hon. Jed S. Rakoff  
United States District Judge  
United States District Court  
500 Pearl Street  
New York, New York 10007  
RakoffNYSDChambers@nysd.uscourts.gov



Re: *ACLU v. Admin. for Children & Families*, 16 Civ. 1987 (JSR)

Dear Judge Rakoff:

**MEMO ENDORSED**

I write respectfully on behalf of both parties pursuant to the Court's order of July 20, 2016, to provide a status report to the Court regarding this FOIA case, and to propose further deadlines.

Pursuant to the Court's prior order, on August 5, 2016, the Department of Health and Human Services, Administration for Children and Families ("ACF" or the "Government") provided a draft *Vaughn* index to the ACLU. The draft *Vaughn* index noted, *inter alia*, that upon review ACF had determined that certain previously processed documents could be re-released with fewer redactions. On August 10, 2016, following re-processing, the Government re-released several of these documents. On August 17, 2016, the ACLU responded to the Government's draft *Vaughn* with several queries. The parties have since worked diligently to attempt to resolve issues raised by the ACLU's letter of August 17, 2016. On August 26, 2016, the Government re-released another document identified in the draft *Vaughn*, and also produced several additional documents that ACF located in response to queries raised by the ACLU in its letter of August 17.

Based on the communications and productions described above, the parties do not anticipate that summary judgment motions will be necessary, but request leave to confirm this after the ACLU has completed its review of the Government's most recent production. If, as anticipated, no substantive issues remain regarding the ACLU's FOIA requests, the parties may still need to engage in motion practice regarding the ACLU's request for attorney's fees. Accordingly, the parties respectfully request that the Court allow them to submit another status update in two weeks, on September 12, 2016, which will (1) confirm that no summary judgment motion practice will be necessary, or propose a schedule for such motions, and (2) if no summary judgment motions are necessary, propose a schedule for resolving any issues regarding attorney's fees.

7 SO ORDERED

USDJ

8-30-16

We thank the Court for its consideration of this matter.

Respectfully,

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Southern District of New York  
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